

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS H. TRIPPE,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

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Case No. 4:05-CV-1477 RWS

MEMORANDUM AND ORDER

This matter is before the Court upon the application of Thomas H. Trippe for leave to commence this action without payment of the required filing fee pursuant to 28 U.S.C. § 1915(a)(1). Upon review of plaintiff's financial affidavit, the Court will deny him leave to proceed in forma pauperis.

Financial Affidavit

In his financial affidavit, plaintiff states that (1) he is not currently employed; (2) he is single; (3) in the past 12 months, he has not received "other income"; (4) he currently has \$4,412.00 in cash on hand or money in a savings or checking account; (4) as property he lists: a home valued at \$132,000.00, a car valued at \$2,000.00, stocks valued at \$38,000.00, a mutual fund valued at \$100,000.00, and an IRA valued at \$7,000.00; (5) he lists no dependents; (6) his debts consist of a credit card balance (\$3,200.00 total debt).

Discussion

Title 28 U.S.C. § 1915(a)(1) provides, in pertinent part, that "[a]ny court of the United States may authorize the commencement . . . of any suit . . . without payment of fees or security therefor, by a person who makes affidavit . . . that the person is unable to pay such fees or give security therefor." This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely

because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. Adkins v. E.I. DuPont de Nemours & Co., 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. Cross v. General Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250). See 28 U.S.C. § 1914(a).

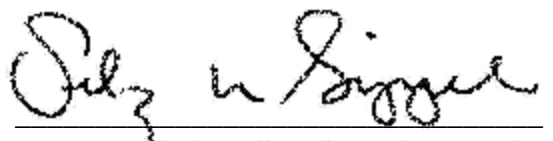
Therefore,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #1] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date of this order to pay the \$250 filing fee.¹

IT IS FURTHER ORDERED that if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

Dated this 20th day of September, 2005.


UNITED STATES DISTRICT JUDGE

¹The Court notes that, if plaintiff pays the filing fee, he will be responsible for serving the summons and the complaint upon the defendant, see Fed. R. Civ. P. 4(c).